

APPRENTICESHIP UTILIZATION REQUIREMENTS

2021 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill enacts provisions relating to labor provided by an apprentice for public works projects.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a specified amount of labor be performed by an apprentice for certain public works projects;
- ▶ establishes other requirements for a contract between a government entity and a contractor relating to labor provided by an apprentice; and
- ▶ provides exceptions to the apprentice labor requirement under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-30-201, Utah Code Annotated 1953

34-30-202, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34-30-201** is enacted to read:

Part 2. Apprenticeships**34-30-201. Definitions.**

As used in this part:

(1) "Apprentice" means the same as that term is defined in Section 35A-6-102.

(2) "Apprenticeship utilization requirement" means a requirement related to the amount of labor performed by an apprentice.

(3) "Government entity" means:

(a) a political subdivision; or

(b) the state.

(4) (a) "Labor hour" means an hour of construction work an individual receiving an hourly wage performs on the site of a public works project.

(b) "Labor hour" includes an hour of work performed by:

(i) an individual employed by the contractor; or

(ii) an individual employed by a subcontractor.

(c) "Labor hour" does not include an hour of work performed by:

(i) a foreman;

(ii) a superintendent; or

(iii) the company owner of a general contractor or subcontractor.

(5) "Political subdivision" means the same as that term is defined in Section 34-30-14.

(6) "Public works" or "public works project" means the same as those terms are defined in Section 34-30-14.

Section 2. Section **34-30-202** is enacted to read:

34-30-202. Labor provided by an apprentice.

(1) A government entity is subject to Subsection (2) for each public works project:

(a) for which the government entity enters into a contract on or after July 1, 2021; and

(b) that is estimated to cost \$500,000 or more.

(2) Except as provided in Subsection (3)(a), a government entity shall require in a contract for a public works project described in Subsection (1):

(a) an apprenticeship utilization requirement in which apprentices complete at least 15% of:

(i) the total labor hours performed by workers from each trade; and

(ii) the total labor hours performed by each contractor and subcontractor; and

(b) that each contractor and subcontractor provide to the government entity, at least monthly, a payroll report for each worker performing one or more labor hours that certifies:

(i) the worker's name and trade;

64 (ii) the number of hours the worker worked; and

65 (iii) whether the worker is a journey-level worker or an apprentice.

66 (3) A government entity is exempt from:

67 (a) the requirements described in Subsection (2)(a) for a specific public works project

68 if:

69 (i) the site of the public works project is in a geographic area in which there is a lack of
70 available apprentices;

71 (ii) the public works project meets the cost threshold described in Subsection (1)(b)
72 due to high material costs, but requires limited labor hours; or

73 (iii) the government entity demonstrates a good faith effort to comply with the
74 requirements described in this section; and

75 (b) the requirements described in this section, if the government entity has an
76 apprenticeship utilization requirement for a public works project that is equal to or exceeds the
77 apprenticeship utilization requirement described in this section.